

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

FLOYD RUSSELL ADAMS

Movant

v.

UNITED STATES OF AMERICA

Respondent

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Case No. 6:19cv186-JDK-KNM
(Crim. No. 6:13cr37-JDK-KNM)

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Movant Floyd Adams, proceeding pro se, filed the above-styled and numbered motion to vacate or correct sentence under 28 U.S.C. § 2255 complaining of the computation of time credits on his federal sentence. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636. After the Government filed a response, the Magistrate Judge issued a Report recommending that the motion to vacate or correct sentence be dismissed without prejudice for want of jurisdiction. Copies of the Report were twice sent to the Movant at his last known address, return receipt requested, but no objections have been filed.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, Movant did not file objections in the prescribed period. The Court therefore reviews the Magistrate Judge's findings or clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. See *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), cert. denied, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendation, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. The Court therefore adopts the Report and Recommendation of the United States Magistrate Judge as the findings of this Court.

Accordingly, it is hereby **ORDERED** that the Magistrate Judge's Report (Docket No. 6) be **ADOPTED**. The above-styled motion to vacate or correct sentence is **DISMISSED WITHOUT PREJUDICE** for want of jurisdiction. A certificate of appealability is **DENIED**; however, the denial of a certificate of appealability shall not prevent the Movant from raising his claims in a court of proper jurisdiction. All pending motions are **DENIED** as **MOOT**.

So **ORDERED** and **SIGNED** this **30th** day of **September, 2020**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE